

Remarks

It is respectfully requested that claims 1, 3 - 8, 10, 11 and 13 - 15 be reconsidered for allowance in view of this Amendment and these Remarks.

Page 8 and the "Assignment" thereon is cancelled.

The Specification has been amended in paragraph [013] to recite that "When the fingers 15 are received by the recesses 11, they project inwardly and form recesses or indentations in the surface of the funnel 14". No new matter is introduced by this because this subject matter is inherent in the original Figs. 2 and 3 and the original specification which describes that fingers 15 are received by recesses 11, which requires that fingers 15 be deflected radially inwardly, thereby inherently creating recesses.

The Specification has been amended in paragraph [014] to recite that "Each projection 50 is received by one of the corresponding recesses formed by the inwardly projecting fingers 15". No new matter is introduced by this amendment because original Fig. 1 shows mounting member 22 mounted on funnel member 14 and oriented so that the projections 50 are aligned with recesses formed by the inwardly projecting fingers 15. This is also supported by original claim 3.

The Specification has been amended in paragraph [016] to recite that "the funnel 14 is received by the mounting member 22". No new matter is introduced by this amendment because original Fig. 1 shows funnel member 14 received by mounting member 22.

The Specification has also been amended in paragraph [016] to recite that the bolts 70 are screwed into the weld nuts 72 until they tightly engage the corresponding recesses formed by the inwardly projecting fingers 15. No new matter is introduced by this amendment because original Figs. 1, 3, 4 and 5 clearly show that bolts 70 and fingers 15 are spaced and oriented so that bolts 70 will engage the corresponding recesses formed by the fingers 15.

Claims 1 - 12 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite. Accordingly, claim 1 and the other independent claims have been amended or drafted as suggested by the Examiner to recite "A fuel tank cover assembly adapted for mounting on a fill tube projecting from a fuel tank."

Claim 2 was rejected because of an informality. Accordingly, this informality has been corrected where appropriate in the amended and new claims.

Claims 1 - 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by

Barras. Accordingly, claim 1 has been amended to more accurately define the present invention. Amended claim 1 recites that a funnel member is fixed to the open end of the fill tube, and the mounting member is attached to an exterior surface of the funnel member, the funnel member being received by the mounting member.

Turning to the reference, Barras shows a funnel 16 mounted next to but above a mounting member 70. Thus, the funnel 16 of Barras is not received by a mounting member as recited in amended claim 1. Thus, amended claim 1 should be allowed and such allowance is respectfully requested.

Claim 2 has been cancelled because its subject matter has been included in amended claim 1.

Claim 3 should be allowed because it has been amended to depend directly from allowable amended claim 1.

Claim 4 has been amended to recite that the mounting member tabs engage the funnel member. This is supported by original Fig. 1. Claim 4 should be allowed because it depends directly from allowable amended claim 1.

Claim 5 has been amended to recite that the first stub has an aperture for pivotally receiving a tab which projects from the cover member. This is supported by original Fig. 1. Claim 5 should be allowed because it depends indirectly from allowable amended claim 1.

Claim 6 has been amended to replace "ring member" with "mounting member". Claim 6 should be allowed because it depends directly from allowable amended claim 1.

Claim 7 has been amended to include the subject matter of claim 9 which was only objected to. Thus, amended claim 7 should be allowed and such allowance is respectfully requested.

Claim 8 should be allowed because it depends directly from allowable amended claim 7.

Claim 9 has been cancelled because its subject matter has been included in amended claim 7.

Claim 10 should be allowed because it has been amended to depend directly from allowable amended claim 7.

Claim 11 should be allowed because it depends directly from allowable amended claim 7.

Claim 12 has been cancelled because its subject matter has been included in

new claim 15.

New claim 13 has been added. New claim 13 should be allowed because it is essentially claim 5 in independent form.

New claim 14 has been added. New claim 14 should be allowed because it is essentially claim 6 in independent form.

New claim 15 has been added. New claim 15 should be allowed because it is essentially claim 12 in independent form.

In conclusion, it is believed that this application is in condition for allowance, and such allowance is respectfully requested.

Any fees or charges due as a result of filing of the present paper may be charged against Deposit Account 04-0525. Two duplicates of this page are enclosed.

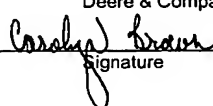
Respectfully,



Attorney for Applicant(s)

Joel S. Carter
Reg. No. 29,368
Deere & Company
Patent Department
One John Deere Place
Moline, IL 61265
(309) 765-4045

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
on: 29 July 2004
Date

Deere & Company


Signature
29 July 2004
Date